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#### PARTIES, JURISDICTION AND VENUE

Filed 09/19

- Plaintiff Extreme CCTV, Inc. ("Extreme") is a Vancouver, British Columbia 1. company having its principal place of business at 3021 Underhill Avenue Burnaby, British Columbia, Canada V5A 3C2.
- Plaintiff Forward Vision CCTV Limited ("Forward") is a British company having 2. its principal place of business at Noteberne House, 84 High Street, Southampton, United Kingdom. Forward is a wholly owned subsidiary of Extreme.
- On information and belief, defendant SAY Security Group USA, LLC ("SAY") is 3. an Ohio corporation having its principal place of business at 520 E. Montford Avenue, ADA, Ohio, 45810. On information and belief, SAY is part of an international group of companies including SAY Security Group Hong Kong, based in Shenzhen, China, a region having a reputation for widespread trademark infringement.
- On information and belief, SAY distributes and sells products in California, 4. including its Titan PTZ camera. In order to advertise and sell products, SAY purchases "adwords" from Google. Google is headquartered in Santa Clara, California. Under the Google Inc. Advertising Program Terms, SAY consents to personal jurisdiction in Federal or State Courts of Santa Clara County.
- This action arises under the patent laws of the United States (Title 35 of the United 5. States Code), under the trademark laws of the United States (15 U.S.C. §1114, §1117-8, and §1125(a)).
- This court has subject matter jurisdiction pursuant to 15 U.S.C. §1116, §1121, and 6. 28 U.S.C. §1338(a).
  - Venue in this district is proper pursuant to 28 U.S.C. §1391(b) and §1400(b). 7.

#### **COMMON ALLEGATIONS**

8. For over a decade, Extreme and its subsidiaries, have been in the business of manufacturing surveillance video cameras and related products namely, mounting brackets, boxes, covers, housings, domes, pan/tilt motors, microphone modules, power supplies, battery packs,

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lens, infrared illuminators, control modules, radio frequency transmitters and light emitting diode illuminators.

Filed 09/19

9. Extreme and its subsidiaries, have designed, developed and manufactured these advanced infrared illuminators and precision engineered surveillance solutions for critical infrastructure, defense, Homeland Security, transportation and national heritage sites. Extreme cameras and illuminators are being delivered to critical locations on every continent.

#### **COUNT ONE – PATENT INFRINGEMENT**

- Extreme and Forward incorporate by reference paragraphs one (1) through nine (9) herein.
- Forward is the owner of United States Design Patent No. D452,697 (the "'697" 11. patent), issued on January 1, 2002, and has the right to sue on the '697 patent. A copy of the '697 patent is appended as Exhibit A.
- Extreme and its subsidiaries manufacturer, market and sell a product pursuant to the 12. '697 patent known as the Moondance, a Metal PowerDome PTZ Camera. A copy of a screen shot from Extreme's website depicting the Moondance is appended as Exhibit B.
- SAY is marketing, distributing and selling products covered by one or more claims of the '697 patent, including a product known as the Titan, a Metal SpeedDome PTZ Camera. A copy of a screen shot from SAY's website depicting the Titan is appended as Exhibit C.
- SAY has infringed, and is continuing to infringe, the '697 patent by selling, offering 14. to sell, and/or using within and/or importing into the United States products covered by one or more of the claims of the '697 patent.
- SAY's infringement of the '697 patent is and has been willful, has caused and will 15. continue to cause Extreme to suffer substantial damages, and has caused and will continue to cause Extreme to suffer irreparable harm for which there is no adequate remedy at law.
- Extreme and its subsidiaries have placed any and all required statutory notices on 16. all products manufactured and sold under the '697 patent.
- On February 2, 2007, plaintiff demanded that SAY cease and desist from its 17. infringement of Extreme's patent by means of a written demand letter.

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Document 1 Filed 09/19/2

- 18. SAY has failed and refused to desist from infringing the '697 patent, and will continue to so infringe unless enjoined by this Court.
  - 19. SAY's infringing conduct has damaged plaintiffs in an amount to be proven at trial.

#### COUNT TWO - TRADEMARK INFRINGEMENT

- 20. Extreme incorporates by reference paragraphs one (1) through nine (9) herein.
- Extreme has been selling surveillance video cameras using the "EXTREME 21. CCTV" trade name and trademark continuously throughout the United States and internationally since at least as early as January 31, 2000.
- Extreme owns Registration No. 2,663,808 on the Principal Register of the United 22. States Patent and Trademark Office for EXTREME CCTV for "surveillance video cameras, namely mounting brackets, microphone modules, electrical power supplies, lens, explosion-proof housings; infrared illuminators." This was filed on January 19, 2000 and registered on December 17, 2002. A true and correct copy of this registration is appended as Exhibit D.
- Extreme has been selling PTZ surveillance cameras using the "MOONDANCE" 23. trademark continuously throughout the United State and internationally since at least as early as September 3, 2003.
- Extreme owns Registration No. 2,944,304 for MOONDANCE on the Principal 24. Register of the United States Patent and Trademark Office for "surveillance video cameras and related products, namely mounting brackets, boxes, covers, housings, domes, pan/tilt motors, microphone modules, power supplies, battery packs, lens, infrared illuminators, control modules, radio frequency transmitters, light emitting diode illuminators." This was filed on December 7, 2001 and registered on April 26, 2005. A true and correct copy of this registration is appended as Exhibit E.
- The "EXTREME CCTV" trade name and trademark and the "MOONDANCE" 25. trademark (collectively the "Extreme Marks") are inherently distinctive symbols of Extreme's products. Through continuous use for over seven and three years, respectively, the Extreme marks have acquired substantial goodwill, have become a valuable asset as a symbol of Extreme's quality

products, and have	become well known throughout the United States and internationally in the
trade and among cu	stomers in the surveillance camera industry.
26. Ove	r the years, Extreme has invested considerable resources in establishing the
Extreme Marks in t	he minds of customers as a source of high quality surveillance cameras,
mounting brackets,	and accessories related thereto.
27. Extr	eme markets its goods under the Extreme Marks through distributors in the
United States who	advertise such goods on the internet, and Extreme also markets directly to
potential customers	susing the internet and its website at www.extremecctv.com. A significant
amount of marketir	ng of Extreme's goods in conducted over the internet.
28. By v	virtue of its prior use and registration of the Extreme Marks, Extreme is the
senior owner of all	right, title and interest in the Extreme Marks.
29. SAY	is a seller of products identical to those sold under the Extreme Marks,
including a product	known as the Titan, a PTZ camera that is substantially the same to Extreme's
MOONDANCE PT	Z camera.
30. On i	information and belief, SAY has purchased certain "adwords" from Google Inc
that incorporate the	Extreme Marks, including "Moondance PTZ", "Extreme Moondance PTZ",
"Extreme CCTV P	TZ", "Extreme CCTV Moondance", and "Extreme CCTV Moondance PTZ"
(collectively, the "A	Adwords").
31. Whe	en a user of the Google internet search engine enters these Adwords, the search
engine generates li	nks to SAY's website at the top and on the margins of Google's search results
page (the "Sponsor	ed Links").
32. For	example, when a user enters the term "Moondance PTZ" in the Google search
engine, the Sponso	red Link depicted below appears, or has appeared, as the first search result:
	Titan - Ruggedized PTZ www.saysecurity.com Extreme Environment, Marin CCTV Ballistic, IP68, 18X, 26X, 36X Zoom

This Sponsored Link not only appears prominently when users type in Extreme's MOONDANCE

mark combined with PTZ, the generic product name, but the text of the link also contains both

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erms of the EXTREME CCTV trademark and trade name. When a user clicks on the Sponsored
Link, he is taken directly to the web page advertising SAY's THE TITAN PTZ Camera as shown
n Exhibit C hereto. A true and correct copy of a printout of the fist page of Google results for this
search is appended as Exhibit F.

- 33. The intended result of the purchase and use by SAY of these Adwords and the use of EXTREME and CCTV in the Sponsored Links is to confuse users regarding the sponsorship, authorization and source of the Sponsored Links and to divert to SAY's website consumers who wish to find Extreme's products.
- 34. The purchase and use by SAY of these Adwords and Sponsored Links is likely to cause confusion or mistake or deception of purchasers as to the source of origin of SAY's goods who access the SAY website through the Sponsored Link.
- Users who reach SAY through a Sponsored Link are likely to believe that SAY is a distributor of Extreme's products or is otherwise affiliated with Extreme.
- Purchasers are likely to purchase SAY's goods believing they are Extreme's, 36. thereby resulting in a loss of sales to Extreme.
- SAY's conduct constitutes trademark infringement in violation of Section 32 of the 37. Lanham Act (15 U.S.C. § 1114).
- Extreme has no control over the quality of the goods sold by SAY, and because of 38. the confusion as to the source engendered by SAY, Extreme's valuable goodwill in respect to the Extreme Marks are at the mercy of SAY.
- The infringement by SAY has been willful and deliberate, designed specifically to 39. trade upon the enormous goodwill associated with Extreme's trademarks.
- The goodwill of Extreme's business under its Extreme Marks is of enormous value, 40. and Extreme will suffer irreparable harm should infringement be allowed to continue to the detriment of its trade reputation and goodwill.
  - SAY's infringement will continue unless enjoined by this Court. 41.

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#### COUNT THREE - UNFAIR COMPETITION UNDER FEDERAL LAW

Filed 09/19

- 42. Extreme incorporates by reference paragraphs one (1) through nine (9) and twenty (20) through forty-one (41) herein.
- 43. SAY's conduct constitutes false designation of origin and unfair competition in violation of Section 43(a) of the Lanham Act (15 U.S.C. § 1125(a)).
- Extreme has no control over the quality of the goods sold by SAY, and because of 44. the confusion as to the source engendered by SAY, Extreme's valuable goodwill in respect to the Extreme Marks are at the mercy of SAY.
- The false designation of origin and unfair competition by SAY has been willful and 45. deliberate, designed specifically to trade upon the enormous goodwill associated with Extreme's trademarks.
- The goodwill of Extreme's business under its Extreme Marks is of enormous value, 46. and Extreme will suffer irreparable harm should false designation of origin and unfair competition be allowed to continue to the detriment of its trade reputation and goodwill.
- SAY's false designation of origin and unfair competition will continue unless 47. enjoined by this Court.

#### COUNT FOUR - TRADE DRESS INFRINGEMENT

- Plaintiffs incorporate by reference paragraphs one (1) through nine (9), and twenty 48. (20) through forty-one (41) herein.
- The total image of the MOONDANCE product, including its shape and product 49. design, constitutes protectable trade dress.
- The MOONDANCE product's trade dress is non-functional—it is not essential to 50. the product's purpose and it is not dictated by concern for cost efficiency.
- The MOONDANCE product's trade dress is distinctive; it identifies Extreme as the 51. single source of the product, thereby distinguishing it from other products. Over the years, the trade dress has acquired secondary meaning as, more and more, the consuming public has come to associate the design with Extreme.

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- 52. The product design of SAY's THE TITAN camera is identical or nearly identical to that of the Extreme MOONDANCE camera, so incorporates Extremes proprietary trade dress.
- 53. The use by SAY of Extreme's trade dress is likely to cause confusion among consumers.

Document 1

- 54. SAY's actions constitute trade dress infringement in violation of the Lanham Act, 15 U.S.C. § 1125(a).
- 55. Extreme has no control over the quality of the goods sold by SAY, and because of the confusion as to the source engendered by SAY, Extreme's valuable goodwill in respect to its trade dress are at the mercy of SAY.
- 56. The infringement by SAY has been willful and deliberate, designed specifically to trade upon the enormous goodwill associated with Extreme's trade dress.
- 57. The goodwill of Extreme's business under its trade dress is of enormous value, and Extreme will suffer irreparable harm should infringement be allowed to continue to the detriment of its trade reputation and goodwill.
  - 58. SAY's infringement will continue unless enjoined by this Court. WHEREFORE, Extreme requests:
- A temporary restraining order and preliminary injunction enjoining SAY and its 1. affiliates, subsidiaries, officers, directors, employees, agents, representatives, licensees, successors, assigns, and all those acting for any of them or on their behalf, or acting in concert with them, from infringing on the '697 patent during the pendency of this action;
- A permanent injunction enjoining SAY and its affiliates, subsidiaries, officers, 2. directors, employees, agents, representatives, licensees, successors, assigns, and all those acting for any of them or on their behalf, or acting in concert with them, from further infringement of the '697 patent;
- 3. A temporary restraining order and preliminary injunction enjoining SAY and its affiliates, subsidiaries, officers, directors, employees, agents, representatives, licensees, successors, assigns, and all those acting for any of them or on their behalf, or acting in concert with them, from infringing the Extreme Marks and trade dress and from engaging in false

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Attorneys for plaintiff Extreme CCTV, Inc.

# EXHIBIT A

#### (12) United States Design Patent (10) Patent No.:

US D452,697 S

Fallowfield et al. (45) Date of Patent: Jan. 1, 2002

(54)	CAMERA	MOUNTING	
(75)	Inventors:	Alan John Fallowfield, Pennington; Martin William Willis, Fleet, both of (GB)	
(73)	Assignee:	A-109 Company Limited, East Wellow (GB)	3
(**)	Term:	14 Years	) [
(21)	Appl. No.:	29/102,494	(
(22)	Filed:	Mar. 25, 1999	
(30)	Forei	gn Application Priority Data	C
Sep.	29, 1998	(GB) 2078044	
(52)	U.S. Cl Field of S	Cl	i s i
(56)		References Cited	•
	U.	S. PATENT DOCUMENTS	

D248,305 S	*	6/1978	Scott D16/203
4,736,218 A	*	4/1988	Kutman 396/427
D308,067 S	*	5/1990	Mednick D16/245
5,181,120 A	*	1/1993	Hickey et al 348/373
			Chitsaz et al 396/428

<sup>\*</sup> cited by examiner

Primary Examiner-Adir Aronovich (74) Attorney, Agent, or Firm-Mattingly, Stanger & Malur, P.C.

#### (57)CLAIM

The ornamental design for a camera mounting, as shown and described.

#### DESCRIPTION

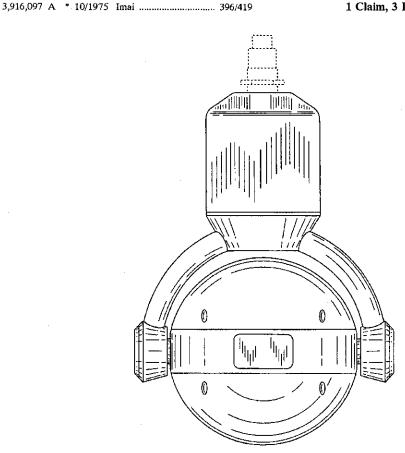
FIG. 1 is a front elevational view of a camera mounting showing my new design;

FIG. 2 is a side elevational view thereof; and,

FIG 3 is a bottom plan view thereof.

The broken lines in FIG. 1 and 2 are shown to illustrate environment only and form no part of the claimed design.

#### 1 Claim, 3 Drawing Sheets



U.S. Patent

Jan. 1, 2002

Sheet 1 of 3

US D452,697 S

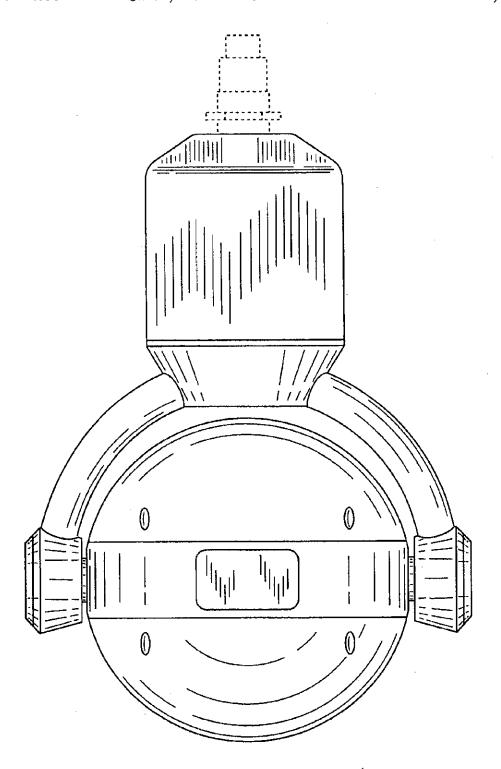


FIG. 1

U.S. Patent

Jan. 1, 2002

Sheet 2 of 3

US D452,697 S

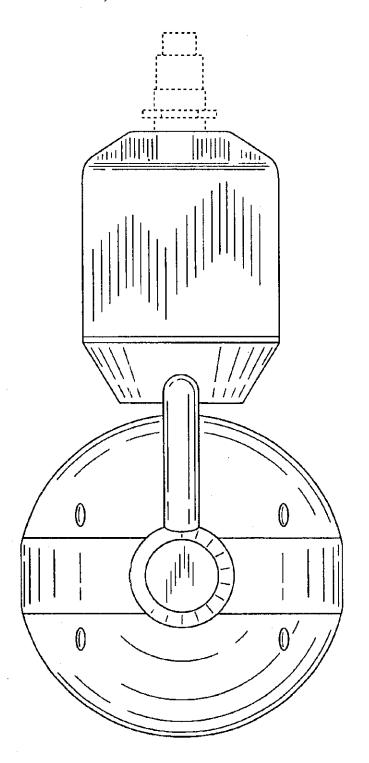


FIG. 2

U.S. Patent

Jan. 1, 2002

Sheet 3 of 3

US D452,697 S

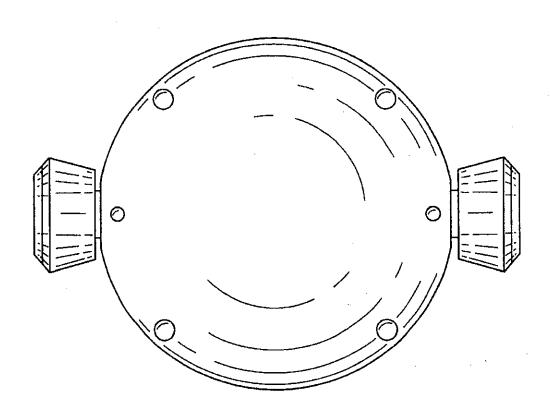
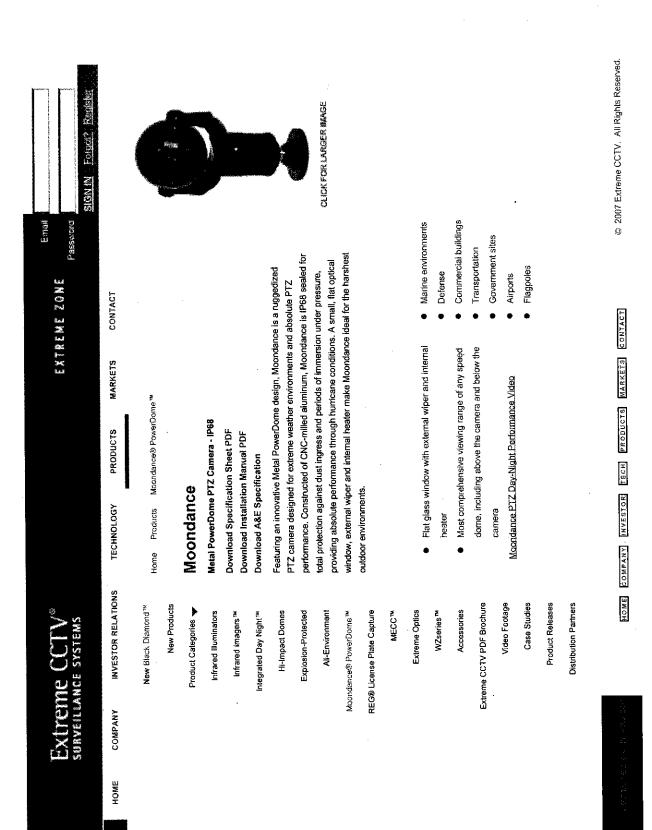


FIG. 3

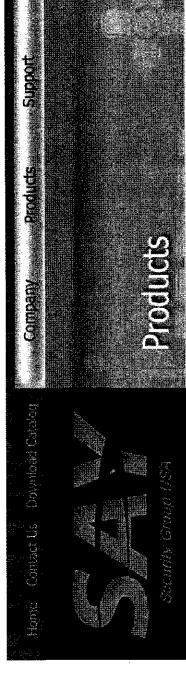
# EXHIBIT B

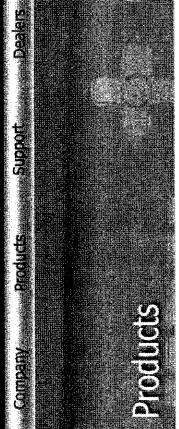
Moondance Metal PowerDome PTZ Camera - 1P68 - Extreme CC1V



8/20/2007

# EXHIBIT C





The Titan PTZ speed dome: Explosion proot, Bullet Proot, Vanal Proot, Water Proot (1P68), Alyminum alloy and stainless steel desogn, 5007 ... rage 1 01



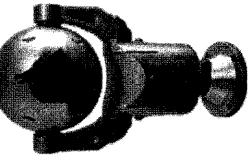
- Compact DVR

- Rack DVR **XOS DVRs** 



- Explasion proof Bullet proof
- Vandal proof Water proof (IP68)





- DVW-304N DVR - DVW-304T DVR

**Embedded** 

- Lite

- 4 Camera DVR Kit

- DVW-816 DVR - DVW-516 DVR

Mobile Surveillance



- Mobile Accessories

- X6 Mobile DVR

- Mobile Cameras

- MII-Flashcam - Roadguard

Cameras

- PTZ

The Titan Speed Dome is designed to be resistant to impact from stones, bricks, normal explosion and even short gun bullets, it is ideal for high security and/or Navy, military, nuclear plants, seafronts, harbors, shipping, embassy hazardous environments applications, such as:

Police vehicles, armored vehicles, airports, high crime area and so on.

- Weather Proof

- NVR Network

- Mobile

- Dome

- Box

The Titan's body machined from .2 inches ~ .5 inches thick Aluminum alloy or Stainless Steel, true robust design:

# - Encoder/ Decoder

# \* Expolosion Resistant \* Vandal Resistant \* Bullet Resistant

\* Water Resistant (IP68)

The Han File speed dome: Explosion proof, builet Froof, vanal Froof, water Froof, Alymmum andy and stanness sectioesul, Jud

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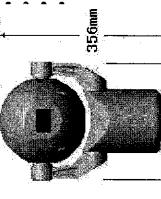
- thick) offers distortion free image and maximum vandal resistant protection Flat designed optics window from filmed and toughened glass ( .2 inches for IOP (Integrated Optical Package) camera module
- Sealed to IP68, capable of withstanding complete submersion
- 360° continuous rotation for both pan and tilt 9 m 4
- User adjustable 360° angle yoke allows the camera to look vertically downwards from pole top

- Built-in hi-resolution and big zoom IOP module (See camera SPECs)
- Built-in temperature control
- On-Screen-Display programming menu
- On-Screen-Display inside temperature
- On-Screen-Display pan/tilt/zoom position
- User definable temperature alert
- User definable 8 preset tours
- User definable preset frozen
- User definable 128 target presets and PTZ learn pattern
- User definable auto-scan/random scan/frame scan
  - User definable scan speed
- User definable power-up action
- Variable manual pan speed 0.1°-150°/s

Preset speed: Pan: 250%; Tilt:200%

- Variable manual tilt speed 0.1°-80°/s

Optional alarm interface unit



Explosion-Resistant compliance

Surge protection & non-volatile memory IP68/CE/FCC/MA/RoHS compliance

Proportional pan speed RS-485 PELCO-P/D

# Specificators

Mechanics

# Thickness of die-cast Al alloy or stainless steel body: .2 inches ~ .5 inches

- Thickness of flat designed optics window from filmed and toughened glass: 5mm
- Continues working temperature -40°F -- +140°F
  - Dimension(LxDxH) 8.5x8.5x14inches
    - weight 18.7 LBS

# Electric specification

- Input voltage: 18VAC—30VAC/18VDC-30VDC Input power: 35VA no heater 50VA has heater
- Heat up and defrost: control by temperature sensor

# Pan/Tilt specification

Pan/tilt speed: Pan 0.1°-150°/s Tilt: 0.1°-80°/s

Scan: Auto/random/preset patrol Preset speed: Pan 250%

1°-40°/s Auto scan: 360° continues Pan rotation: 360°continuesPreset: Tilt rotation:

8 preset tours with dwell time 1~99seconds.

# Order Guide with IOP Camera Module

Model	TN612-18S	TN612-26S	TN612-35S
Scan	2:1 interlace	2:1 interlace	2:1 interlace
CCD	1/4 inch CCD	1/4" Super HAD	1/4 inch CCD
Pixel	752X582 PAL	752X582 PAL	752X582 PAL

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cns	4.1mm— 73.8mm	3.5mm—91mm	3.5mm—125mm
Optical Zoom	18X	26X	35X
ris Ctrl	Auto/Manual	Auto/Manual	Auto/Manual
Focus Ctrl	Auto/Manual	Auto/Manual	Auto/Manual
Sensitivity	1/4 shutter	0.7Lux/F1.4 color	1/2 shutter
	0.05Lux Color	0.001Lux/F1.4 B/W	0.008Lux color 1/2
	1/4 shutter		shutter 0.005 Lux
	0.01Lux B/W		B/W
synchronization AC Line lock	AC Line lock	AC Line lock sync	AC Line lock sync
	sync		
BLC	Auto/Manual	Auto/Manual	Auto/Manual
Shutter	Auto/Manual	Auto/Manual	Auto/Manual
Gain Ctrl	Auto/Manual	Auto/Manual	Auto/Manual
S/N Ratio	>50dB	>50dB	50dB
Video Output	IVp-p	1Vp-p	1Vp-p
High dynamic Range	1	-	X08











# EXHIBIT D

#### Corsearch Advantage

Federal

Date Generated: August 20, 2007

#### **EXTREME CCTV**

Status: Registered, December 17, 2002

Goods/Services:

Int'l Class: 9 (U.S. Class: 21, 23, 26, 36, 38) Surveillance video cameras, namely mounting brackets, microphone modules, electrical power supplies, lens, explosion-proof housings; infrared illuminators

First Use: January 31, 2000 In Commerce: January 31, 2000

Most Recent Owner:

Extreme Cctv Inc. (Canada Corp.)

#### APPLICATION/REGISTRATION INFO.

Serial No.: 75-899402 Registration No.: 2,663,808 Filed: January 19, 2000 Published: September 25, 2001 Registered: December 17, 2002

#### ADDITIONAL INFO.

Additional Info:

Filed as intent to use - actual use claimed

Disclaimer: "CCTV"

Correspondent: Paul D. Gornall 1820-355 Burrard Street Vancouver, British Columbia Canada V6Z 1K9

#### OWNER INFORMATION

Registrant/ Applicant:

Jsg Management Inc. (Canada Corp.) 4060 Mcconnell Drive Burnaby, B.C., V5A 3A8

Owner At Publication:

Jsg Management Inc. (Canada Corp.) 4060 Mcconnell Drive Burnaby, B.C., V5A 3A8

#### **ASSIGNMENT HISTORY**

Assignee:

Extreme Cctv Inc. (Canada Corp.) 4060 Mcconnell Drive Burnaby, V5A 3A8 Assignor:

Jsg Management Inc. (Canada Corp.)

Extreme Cctv Inc. (British Columbia Corp.)

Recorded: February 2, 2004 Assigned: May 31, 2003 Reel/Frame: 2786/0743

Action: Assigns the entire interest

and goodwill

Recorded: June 14, 2002 Assigned: May 31, 2002

4060 Mcconnell Drive Burnaby Bc, V5A 3A8 **Assignor:** Jsg Management Inc. Reel/Frame: 2528/0683 Action: Assigns the entire interest and goodwill

© 2007 CT Corsearch

# EXHIBIT E

#### Corsearch Advantage

Date Generated: August 20, 2007

#### MOONDANCE

Federal

Status: Registered, April 26, 2005

Goods/Services:

Int'l Class: 9 (U.S. Class: 21, 23, 26, 36, 38)

医多克氏试验检医多氏性神经检查检验 医皮肤 医皮肤 医皮肤 医皮肤 化二氯甲基酚 化二氯甲基酚

Surveillance video cameras and related products namely, mounting brackets, boxes, covers, housings, domes, pan/tilt motors, microphone modules, power supplies, battery packs, lens, infrared illuminators, control modules, radio frequency transmitters, light emitting diode illuminators

First Use: September 3, 2003 In Commerce: September 3, 2003

Most Recent Owner:

Extreme Cctv Inc. (Canada Corp.)

#### APPLICATION/REGISTRATION INFO.

Serial No.: 76-351120 Registration No.: 2,944,304 Filed: December 7, 2001 Published: July 16, 2002 Registered: April 26, 2005

#### ADDITIONAL INFO.

Additional Info:

Filed as intent to use - actual use claimed

Correspondent:
Paul D. Gornall
Barrister & Solicitor
1820 - 355 Burrard Street
Vancouver, British Columbia; Canada

#### OWNER INFORMATION

Registrant:

Extreme Cctv Inc. (Canada Corp.) 3021 Underhill Ave. Burnaby, B.C., V5A 3C2

Owner At Publication:

Extreme Cctv Inc. (Canada Corp.) 3021 Underhill Ave.

Burnaby, B.C., V5A 3C2

Applicant: Extreme Ccty Inc. (Canada Corp.) 3021 Underhill Ave. Burnaby, V5A 3C2

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EXHIBIT F

Web Images Video News Maps Gmail

Document 1

Filed 09/19/

Page 28 of 29 age 1 of 2

Sign in

Google

moondance ptz

Search.

Advanced Search Preferences New! View and manage your web history

Web

Results 1 - 10 of about 1,270 for moondance ptz. (0.22 seconds)

Titan - Ruggedized PTZ

Extreme Environment, Marine CCTV Link www.saysecurity.com Ballistic, IP68, 18X, 26X, 36X Zoom

#### Moondance Delivers Surveillance for UK's Royal Navy Lifeboat ...

Extreme CCTV Moondance PTZ camera aboard Royal Navy Lifeboat Institute response ... Extreme CCTV International Inc.'s Moondance PTZ camera is delivering ... www.securityinfowatch.com/article/article.jsp? id=10277&siteSection=428 - 47k - Cached - Similar pages

#### Moondance Metal PowerDome PTZ Camera - IP68 -Extreme CCTV

Featuring an innovative Metal PowerDome design, Moondance is a ruggedized PTZ camera designed for extreme weather environments and absolute PTZ performance. ... www.extremecctv.com/product\_detail.php?product\_id=192 - 20k -Cached - Similar pages

#### Extreme CCTV - Infrared LED Illuminators, Night Vision Video ...

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